

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 01-455-A
	)	
ZACARIAS MOUSSAOUI	)	
a/k/a "Shaqil,"	)	
a/k/a "Abu Khalid	)	
al Sahrawi,"	)	
	)	
Defendant.	)	

ORDER

In the defendant's Motion to Compel the FBI to Give Information on My Address In London that They Have [sic] Before Sept 11, 2001 (Docket #232), he seeks to compel the FBI to disclose any information it may have about the defendant's Lambert Road and Hubert Grove addresses in London. He also appears to want to subpoena the senior FBI lawyer who decided not to request a warrant to search the defendant's belongings. The defendant has also filed a Motion to Compel the INS to Certify that it Did Not Receive Instruction, Recommendation, Plea, Representation, Demand from Any Other Government Agencies to Issue the Order of Deportation (Docket #264) in which he seeks to subpoena and compel the testimony of the FBI and INS agents who interviewed him after his August 16, 2001 arrest, as well as the official who signed his deportation order. Finally, in pleadings docketed as #s 242 and 250 respectively, the defendant demands that FBI Director Mueller and FBI Special Agent Colleen Rowley be compelled to provide testimony.

In its responses, the United States has stated that it is unaware of any information received from the British before August 16, 2001 linking the defendant to terrorism. Unless the United States directed any searches or raids of the defendant's London addresses, or intends to use any physical evidence gathered in any searches of these London addresses in its prosecution of Mr. Moussaoui, it need not disclose such information, if it exists, to the defendant. Therefore, this aspect of the defendant's motion docketed as #232 is DENIED.

Regarding the defendant's demands that certain Department of Justice officials be compelled to provide testimony, we interpret these to be requests for the issuance of trial subpoenas. Until and unless the defendant complies with the requirements of Local Rule 45 and any applicable regulations,<sup>1</sup> the Court will not rule on these or any other requests for the issuance of trial

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<sup>1</sup>Local Rule 45(A) provides that pro se applications for subpoenas "must be accompanied by a memorandum setting forth the names and addresses of witnesses" and shall state why the witness testimony is sought. The application and memorandum will be reviewed by a district or magistrate judge, who will determine whether the requested subpoena(s) shall issue. Because a criminal defendant need not reveal potential witnesses to the United States before trial, the application and memorandum may be submitted ex parte and under seal. However, if a litigant seeks to compel testimony from Department of Justice employees, including FBI and INS agents, he must first submit an affidavit or statement setting forth a summary of the testimony sought to the Assistant United States Attorney handling the case. See 28 C.F.R. 16.23(c); see also United States ex. rel. Touhy v. Ragen, 340 U.S. 462 (1951). If the Department of Justice does not agree to make its employee available, the Court will rule on the request.

subpoenas. Therefore, the defendant's motions docketed as #s 232, 242, 250 and 264 are DENIED WITHOUT PREJUDICE as to the requests for the issuance of trial subpoenas.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; the Court Security Officer; and the United States Marshal.

Entered this 22nd day of July, 2002.

/s/

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Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia